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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 JERRY L. BRANSON,

11 Plaintiff,

12 v.

13 MICHAEL J. ASTRUE, Commissioner of  
the Social Security Administration,

14 Defendant.  
15

CASE NO. 11-cv-05933 RJB-JRC

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

16 This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28  
17 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by Mathews,  
18 Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on  
19 defendant's stipulated motion to remand the matter to the Commissioner for further  
20 consideration. (ECF No. 17.)

21 After reviewing defendant's stipulated motion and the relevant record, the undersigned  
22 recommends that the Commissioner's decision in regard to plaintiff's applications for disability  
23 insurance benefits and supplemental security income payments under Titles II and XVI of the  
24

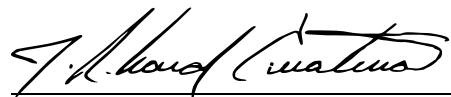
1 Social Security Act be reversed and remanded pursuant to sentence four of 42 U.S.C. §405(g) to  
2 the Commissioner of Social Security for further administrative proceedings before an  
3 Administrative Law Judge (“ALJ”), a *de novo* hearing, and a new decision. On remand, the ALJ  
4 should evaluate the claimant’s self-employment earnings using the standards described in 20  
5 CFR 404.1575 and Social Security Ruling 83-34. If necessary, the ALJ should complete the  
6 sequential evaluation process.

7 This Court further recommends that the ALJ take any other actions necessary to develop  
8 the record. In addition, plaintiff should be allowed to submit additional evidence and arguments  
9 to the ALJ on remand.

10 The parties agree that plaintiff will be entitled to an award of reasonable attorney’s fees  
11 and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), following proper  
12 presentation of a request for such an award to this Court.

13 Given the facts and the parties’ stipulation, the Court recommends that the District Judge  
14 immediately approve this Report and Recommendation and **REVERSE** the Commissioner’s  
15 decision pursuant to sentence four of 42 U.S.C. §405(g) with a **REMAND** of the case to the  
16 Commissioner for further proceedings. See Melkonyan v. Sullivan, 501 U.S. 89 (1991).

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18 Dated this 25th day of June, 2012.

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21 J. Richard Creatura  
22 United States Magistrate Judge  
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